

Town of Tiburon

STAFF REPORT



ANALYSIS

Design Issues

The rear of the subject property borders Trestle Glen Boulevard. A six foot (6') tall fence currently exists inside the rear property line. The house and rear yard are situated at an elevation below the level of the adjacent roadway. As a result, the rear of the house and much of the back yard are clearly visible above the fence line from vehicles and pedestrians traveling along Trestle Glen Boulevard.

The proposed project would extend the height of the existing fence by 2 feet along its current alignment to the rear and side of the property to a total height of 8 feet. The fence would have the appearance of a 6 foot tall structure when viewed from Trestle Glen Boulevard, but could appear taller when viewed from the intersection of that street and Juno Road. The Town Engineer will review the proposed plans to determine if the height of the fence would obstruct the line of sight for traffic at this intersection. The Design Review Board should determine if the additional fence height would be as necessary near this corner of the site as along the rear portion of the property facing Trestle Glen Boulevard.

Due to the location of the subject property within the Belveron East subdivision and the corner location of this lot, the proposed fence should not result in any unwanted view impacts on neighboring properties.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-1 zone with the exception of the previously noted variance for excess fence height.

Variance

In order to grant the requested variance, the Board must make all of the following findings required by Section 4.03.05 of the Tiburon Zoning Ordinance:

1. ***Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.***

The subject property is bounded on three sides by Trestle Glen Boulevard and Juno Road. This physical situation, combined with the elevation of the house and rear yard substantially below the level of Trestle Glen Boulevard, create special circumstances whereupon the strict application of the 6 foot maximum fence height in the rear of the site would deprive the applicant of the privilege of maintaining



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adequate privacy for this property, which is enjoyed by other properties in the vicinity and in most single-family residential zones in Tiburon.

2. ***The variance will not constitute a grant of special privileges, inconsistent with the limitation upon other properties in the vicinity and in the same or similar zones.***

Numerous other properties in the vicinity and in other single-family residential zones in Tiburon have received variances for excess fence height in areas where the topography of the site would make a six foot fence inadequate to meet the normal needs for privacy or screening enjoyed by other residential property owners.

3. ***The strict application of this Ordinance would result in practical difficulty or unnecessary hardship.***

The existing six foot fence along the rear of the property places a hardship on the property owner, by exposing a the rear of the residence and the back yard to vehicle and pedestrian traffic along Trestle Glen Boulevard.

4. ***The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.***

As noted above, the design of the proposed fence would not appear to result in unwanted view or visual impacts on neighboring properties.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variance.

Public Comment

One letter has been received in support of the subject application.

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Sections 4.02.07 (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board agrees with the Staff analysis contained herein, Staff would recommend that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Letter from Bonnie and Michael Rose, dated April 26, 2004
4. Submitted plans

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CONDITIONS OF APPROVAL

30 JUNO ROAD

FILE #20416

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on March 24, 2004, or as amended by these conditions of approval. Any modifications to the plans of March 24, 2004, must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All exterior lighting fixtures must be down light type fixtures.
6. The location and height of the subject fence must be approved by the Town Engineer for compliance with line of sight safety requirements prior to issuance of a Building Permit for this project.